

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION

MARCO V. HARRISON, JR.

PLAINTIFF

v.

CAUSE NO. 1:23-CV-146-SA-DAS

MIKE KORTAS and NEXA MORTGAGE LLC

DEFENDANTS

ORDER ADOPTING REPORT AND RECOMMENDATION

On October 26, 2023, Marco V. Harrison, Jr. filed his Complaint [1] against Mike Kortas and Nexa Mortgage LLC. The Court held a *Spears* hearing on February 22, 2024. On August 29, 2024, the Magistrate Judge entered a Report and Recommendation [13]. In that filing, the Magistrate Judge contains a lengthy analysis and ultimately recommends:

1. That the court find that [] it does not have federal question subject matter jurisdiction pursuant to 29 U.S.C. § 1331 and dismiss this action without prejudice.
2. Should the court find that it has subject matter jurisdiction on some other basis, the complaint should be dismissed with prejudice because it is frivolous.

[13] at p. 12.

After providing this recommendation, the Report and Recommendation [13] set forth the procedure for Harrison to file an objection if he desired to do so. Harrison has filed no such objection, and his time to do so has now passed.

“With respect to those portions of the report and recommendation to which no objections were raised, the Court need only satisfy itself that there is no plain error on the face of the record.” *Gauthier v. Union Pac. R.R. Co.*, 644 F. Supp. 2d 824, 828 (E.D. Tex. 2009) (citing *Douglass v. United Servs. Auto. Ass’n*, 79 F.3d 1415, 1428–29 (5th Cir. 1996)).

The Court has reviewed the Report Recommendation [13] and the record as a whole. Having done so, the Court agrees with Magistrate Judge Sanders' recommendation. Harrison has failed to provide an explanation as to how this Court has jurisdiction over his claims.

The Complaint [1] is hereby DISMISSED *without prejudice*. This CASE is CLOSED.

SO ORDERED, this the 17th day of September, 2024.

/s/ Sharion Aycock
UNITED STATES DISTRICT JUDGE